

**REMARKS/ARGUMENTS**

This response is submitted in reply to the Office Action dated December 24, 2009. Claims 1, 4-17, 19, 21-23, 77, 79-92, 96-100, 102, 103, 105-111, and 113-116 currently stand rejected. As explained below, however, Applicants respectfully submit that the claimed invention is patentably distinct from the cited references, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention. No new matter has been added by the amendment. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

**A. Claims 1, 4-13, 19, 23, 77, 79-88, 97-99, 102, 103, 105-108, 110, 111, and 113-116 are Nonobvious.**

Claims 1, 4-13, 19, 23, 77, 79-88, 97-99, 102, 103, 105-108, 110, 111, and 113-116 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,404,754 to Lim. However, Lim fails to teach or suggest all of the elements of the claims and the claimed invention is not an obvious variant of the cited combination.

Independent claim 1, and similarly independent claims 9, 12, 13, 97-99, 106-108, and 110, recite “causing transmission of a release message to an entity within the core network of the cellular communications network, the release message comprising an indication of the reason for releasing the connection....” As described in the specification at page 10, lines 26-28, a communication is sent that “indicates the reason why the bearer should be released.” Lim fails to teach or suggest this feature, and it would not be obvious to combine this feature to the teaching of Lim.

The Office Action admits that Lim fails to teach or suggest the feature of transmitting a release message comprising an indication of the reason for releasing the connection. The Office Action likely does so because Lim merely indicates at Col. 39, Lines 39-43, that a radio network controller “informs” a mobile switching center to release a switching virtual circuit. Lim therefore fails to provide sufficient disclosure to reject the claim standing alone. As a result, the Office Action relies on an unsupported, conclusory statement regarding the knowledge of one of

ordinary skill in the art in an attempt to cure these deficiencies of Lim, without citation to a reference supporting this position.

In response, Applicants respectfully assert that the Examiner has not met his burden in providing a prima facie case of obviousness, because the rejection fails to provide any support for establishing that one of ordinary skill in the art would be inclined to transmit a release message comprising an indication of the reason for releasing the connection, or transmit a release message to a core network entity as recited in the claims. The Office Action simply provides an unsupported, conclusory statement that this feature would have been obvious to one of ordinary skill in the art to consider the subject matter of the feature and combine it with the disclosure of Lim, despite the admitted fact that Lim fails to include disclosure of the feature.

Contrary to the position taken by the Office Action, and regardless of whether a reference or other support were provided for the Office Action's position, one of skill would not be inclined to combine a release message comprising an indication of the reason for releasing the connection with the disclosure of Lim because Lim discloses only one reason (i.e., expiration of a timer) for releasing the connection. In this regard, at column 7, lines 31-45, Lim describes the operation of a point-to-point (PPP) link timer. When the PPP link timer expires the mobile station is moved to a "dormant-open state." Upon entering the dormant-open state, a dormant timer is initiated. When the dormant timer expires, "the RNC 400 informs the mobile switching center 500 to release a switching virtual circuit." In other words, after a series of timers elapse, a communication is provided to initiate a release. The only criteria provided by Lim for triggering this communication is the expiration of these timers.

As a result, one of ordinary skill in the art would be disinclined to provide an indication of the reason in the release message, where, as in Lim, only one reason is defined as a trigger for releasing the connection. Providing the reason in a communication results in associated added processing and/or overhead. In the context of Lim, where only one option is part of the system, one of skill in the art would consider the providing of information indicating that the timer has elapsed to be wasteful and unnecessary because the message is provided only because the timer has elapsed. The mere existence of the message provides this information. As such, one of skill

in the art would not be inclined to add this information to the communication described in Lim and therefore the combination relied upon by the Office Action is improper.

Additionally, the claims recite that the connection to be released is an active connection. This also contrasts with the disclosure of Lim. Lim describes a system where the connection goes dormant (no longer active), and then a second timer is started to determine when the now dormant connection is to be released. When the second timer elapses, the dormant connection is released. If the connection in Lim were to become active again, after the first timer elapsed, the first timer is reset and the procedure is repeated. As such, only a dormant connection is released in Lim. In contrast, the claimed invention operates with respect to an active connection, and the active connection is targeted to be released.

Further, Applicants have amended the independent claims to indicate that the release message is transmitted "to an entity within the core network of the cellular communications network." This amended aspect of the claims further describes the handling of the release message that is, again, not taught or suggested by Lim. The amendments also undercut the argument submitted by the Office Action, because, as amended, the claims recite the transmission of a message that includes unique content and is handled in a unique manner. For this additional reason, the claimed invention is not an obvious variant of Lim, in view of the alleged knowledge of one of skill in the art.

Additionally, with respect to the portion of the rejection directed to the release message including the reason for releasing the message, the Office Action improperly applies the cited case law. In contrast to the manner in which the case law is applied by the Office Action, the decision in *In re Karlson* does not stand for the proposition that an Examiner can deem claim features obvious without providing a basis for doing so. The Office Action indicates that the rule taken from *In re Karlson* is that the "omission of an element and its function in a combination where the remaining elements perform the same function as before involves only routine skill in the art." However, the Office Action appears to have failed to consider that the inclusion of a reason for releasing the connection in the message changes the functionality of the claimed invention. For example, providing the reason for releasing the connection may incorporate a notice function to the receiver as to the reason that the connection is being released. As such, the

inclusion of this feature changes the functionality, and therefore the application of *In re Karlson* within this context is improper.

Further, if the Examiner is to rely on case law as a basis for rejecting a claim, without citing to a prior art reference, the Examiner must explain the similarities between the facts of the cited case and the content of the present application. In this regard, the MPEP 2144 (III) states that, only if the facts of the case law are sufficiently similar, may the Examiner rely upon the rationale of the court. Here, the Examiner has provided no factual comparison or any indication of how the facts of the present application can be correlated to the findings in *In re Karlson*, other than to recite an unsupported rule.

In addition to the reasons set forth above, independent claim 13 is also patentable over Lim as applied, because Lim fails to teach or suggest a parameter, as recited in claim 13, “comprising in indication of movement of the mobile station.” Lim provides no disclosure that correlates to a parameter that is indicative of movement. The Office Action essentially admits this by attempting to associate “movement of the mobile station” to “inactivity” as provided on page 8 of the Office Action. In this regard, the Office Action is failing to consider the express content of the claim, and is simply rejecting the claims based on the alleged disclosure of a broader concept without citation to specific features that can be correlated to the claim language. The citations to Lim provided by the Office Action that are allegedly directed to the feature of a parameter indicative of movement, bare no relationship to movement and simply disclose the series of timers that is described above. The timers disclosed in Lim run when frame data is not transmitted and the connection becomes dormant. (Lim, column 7, lines 31-35). As such, the operation of the timers is not indicative of movement of the mobile station because the absence of frame data on the connection cannot be directly correlated to movement of the mobile station. Accordingly, claim 13 and its respective dependent claims are patentable over Lim and the rejection of these claims is overcome for this additional reason.

Based on the foregoing, independent claims 9, 12, 13, 97-99, 106-108, and 110, and their respective dependent claims, are patentable over Lim as applied for at least the reasons cited above. The rejection of claims 1, 4-13, 19, 23, 77, 79-88, 97-99, 102, 103, 105-108, 110, 111, and 113-116 is therefore overcome.

**B. Claims 14-17, 21, 22, 89-92, 96, 100, and 109 are Nonobvious.**

Claims 14-17, 21, 22, 89-92, 96, 100, and 109 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lim in view of U.S. Patent No. 6,119,000 to Stephenson. However, the cited combination relies upon Lim for disclosing the same features as described above. In particular, independent claims 16 and 109, which are rejected as being obvious in view of the cited combination, include similar features as those described above with respect to claim 1, and therefore Lim similarly fails to teach these features included by independent claims 16 and 109. The dependent claims rejected in this regard also include similar recitations, at least via dependency, that are not taught or suggested by Lim. Since Lim fails in this regard, and Stephenson does not cure the deficiencies of Lim (nor is Stephenson cited for this purpose), claims 14-17, 21, 22, 89-92, 96, 100, and 109 are patentable over the cited combination due at least to the failures of Lim. The rejections of claims 14-17, 21, 22, 89-92, 96, 100, and 109 are therefore overcome.

**C. New Claims 117-119 are Patentable.**

Applicants have added new claims 117-119 to clarify aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application. The new claims are dependent from independent claim 97 and are therefore patentable for at least the same reasons as submitted for the independent claim 97. Accordingly, it is believed that the new claims 117-119 are in condition for allowance.

**D. Citation of Previously Considered Art.**

Applicants note that the Office Action of October 19, 2006, U.S. Patent 6,574,473 to Kouno was cited in the text of the Office Action, but not included in a Form 892. Applicants respectfully request that this reference be included in a Form 892 in a communication that is responsive to this response.

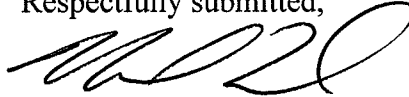
Application No.: 09/980,376  
Amendment Dated 06/21/2010  
Reply to Office Action of 12/24/2009

### **CONCLUSION**

In view of the amendments and remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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